

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARDELL KENNEDY, :
Plaintiff, :
: :
v. : CIVIL ACTION NO. 19-CV-1076
: :
CITY OF PHILADELPHIA, *et al.*, :
Defendants. :
:

ORDER

AND NOW, this 16th day of April, 2019, upon consideration of Plaintiff Ardell Kennedy's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Response to the Court's Order entered on March 20, 2019 (ECF No. 6), Prisoner Trust Fund Account Statement (ECF No. 7), and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Ardell Kennedy, #DQ2357, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden or other appropriate official of Kintock Community Corrections Center to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Kennedy's inmate account; or (b) the average monthly balance in Kennedy's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Kennedy's inmate trust fund account exceeds \$10.00, the Warden or other

appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Kennedy's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden or other appropriate official of Kintock Community Corrections Center.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED** for the reasons discussed in the Court's Memorandum.

6. Kennedy is given leave to file an amended complaint within thirty (30) days of the Date of this Order in the event that he can state plausible claims that cure the defects noted in the Court's Memorandum. He may not reassert any claim that the Court has dismissed with prejudice. Any amended complaint shall be a complete document that identifies all of the defendants in the caption in addition to the body and shall describe in detail the basis for Kennedy's claims against each defendant. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED** by the Court.

7. The Clerk of Court is **DIRECTED** to provide Kennedy with a blank copy of this Court's current form complaint for a plaintiff filing a prisoner civil rights action. Kennedy may use this form to file his amended complaint.

8. If Kennedy fails to file an amended complaint, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:

/s/ Gerald J. Pappert

GERALD J. PAPPERT, J.